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No. 83-264

IN THE

Supreme Court of the United States

OCTOBER TERM, 1983

CALVIN W. BURNETT, ET AL.,
Petitioners,

v.

JAMES R. GRATTAN AND ADRIENNE S. HEDMAN,
Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

JOINT APPENDIX

STEPHEN H. SACHS,
Attorney General of Maryland,

DIANA G. MOTZ,
CHRISTINE STEINER,
Assistant Attorneys General,

ROBERT A. ZARNOCH,
Assistant Attorney General,
Counsel of Record,
Seven North Calvert Street,
Baltimore, Maryland 21202,
(301) 576-6338,
Counsel for Petitioners.

SHELDON H. LASKIN,
Counsel of Record,

GLEN M. FALLIN,
8370 Court Avenue, Suite 101,
Ellicott City, Maryland 21043,
(301) 465-3530,
Counsel for Respondents.

Petition for Certiorari filed August 17, 1983
Certiorari Granted November 14, 1983

THE DAILY RECORD COMPANY, BALTIMORE, MARYLAND 21202

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RELEVANT DOCKET ENTRIES

Date		Proceedings
1981	November 12	Petition for Removal
1981	November 12	Bond for Removal
1981	November 12	Notice of Removal
1981	November 12	Complaint
1981	November 12	Defendants' Demurrer
1981	November 12	Defendants' Supplemental Demurrer
1981	November 12	Motion of Plaintiffs to Suspend Maryland Rule 530

1981	November 12	Request of Plaintiffs for Hearing on Defendants' Demurrer
1981	November 12	Amended and Supplemental Bill of Complaint
1981	November 12	Motion of Defendants for Transfer of Action Pursuant to Rule 515
1981	November 12	Response of Plaintiffs to Motion of Defendants to Transfer Action
1981	November 12	Order (Greenfeld, J.) dated November 5, 1981, transferring action to the Superior Court for Baltimore City
1981	November 12	Equity Summons filed in the Circuit Court No. 2 of Baltimore City
1981	November 30	Motion of Defendants to Dismiss, Memorandum and Exhibits 1 through 4
1981	December 23	Stipulation and Order (Ramsey, J.) extending the time within which Plaintiffs may file opposition to Motion of Defendants to Dismiss, to and including January 15, 1982
1982	January 21	Opposition of Plaintiffs to Motion of Defendants to Dismiss, Memorandum and Request for Hearing
1982	January 22	Stipulation and Order (Northrop, SJ) extending the time within which Plaintiffs may file opposition to Motion of Defendants to Dismiss, to and including January 20, 1982
1982	January 29	Stipulation and Order (Ramsey, J.) extending the time within which Defendants may file a response to Opposition of Plaintiffs to their

		Motion to Dismiss, to and including February 19, 1982.
1982	February 2	Stipulation and Order (Ramsey, J.) extending the time within which Plaintiffs may file a response to Motion of Defendants to Dismiss, to and including January 20, 1982. Dated: February 1, 1982
1982	February 19	Reply Memorandum of Defendants to Opposition of Plaintiffs to its Motion to Dismiss
1982	March 2	Supplemental Motion of Defendants to Dismiss, Memorandum and Exhibits A & B
1982	March 30	Stipulation and Order (Ramsey J.) dated March 29, 1982 extending time within which Plaintiffs may respond to Supplemental Motion of Defendants to Dismiss, to and including April 1, 1982
1982	April 6	Opposition of Plaintiffs to Supplemental Motion of Defendants to Dismiss and Memorandum
1982	April 29	Hearing on Motion of Defendant to Dismiss held before Ramsey, J.
1982	April 29	Argued. Held sub-curia.
1982	September 29	Memorandum and Order (Ramsey, J.) dated 9-17-82, "Granting" Motions of Defendants Board of Trustees of State of Maryland and Colleges of Maryland and State of Maryland to Dismiss in Civil Action Numbers R81-2407 and R81-3176; "Denying" Motions of Defendants to Dismiss portions of the Complaint in R81-2407 and

		R81-3176 as set forth; "Granting" Motion of Defendants to Dismiss Claim of Plaintiff Grattan of Sex Discrimination in R81-3176; "Granting" Motions of Defendants to Dismiss Claims of Plaintiff Hedman in R81-2407 and R81-3176; "Granting" Motion of Defendants to Dismiss Claims of Plaintiff Hedman and Grattan for Compensatory Damages in R81-2407 and R81-3176; "Granting" Motion of Defendants to Dismiss the Amended Complaint in R81-2914.
1982	September 29	Judgment (Ramsey, J.) dated 9-17-82, entered in favor of Defendants and against Plaintiffs
1982	October 13	Notice of Appeal of Plaintiffs
1983	March 10	Argued and Held sub-curia in United States Court of Appeals for the Fourth Circuit
1983	June 22	Opinion of United States Court of Appeals for the Fourth Circuit reversing judgment of the District Court of Maryland
1983	August 17	Petition for a Writ of Certiorari
1983	November 14	Certiorari Granted

WHAT MAY BE FOUND IN THE APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI

1. Opinion of the United States Court of Appeals for the Fourth Circuit filed June 22, 1983 ..... App. 16

2. Opinion of the United States District Court for the District of Maryland dated September 17, 1982 App. 23

(Title Omitted)

BILL OF COMPLAINT FOR DECLARATORY JUDGMENT AND OTHER RELIEF

(Filed February 17, 1977)

To The Honorable, The Judge of Said Court:

NOW come the Plaintiffs, James R. Grattan and Adrienne S. Hedman, by their attorney, William O. Goldstein, and respectfully represents the following:

JURISDICTION

1. The jurisdiction of this Court is invoked pursuant to Title Three, Courts and Judicial Proceedings, sub-title for Declaratory Judgment, section 3-401-415 of the Annotated Code of Maryland — 1974 Edition. This section was formerly under Article 31A, of the Annotated Code of Maryland — 1957 Edition. This Act is now known as the Maryland Uniform Declaratory Judgment Act.

PARTIES

2. James R. Grattan is a white male resident of the State of Maryland and citizen of the United States, who was employed as the Director of Minority Relations at the Coppin State College for more than five (5) years prior to his dismissal of August 1, 1976.

3. Adrienne S. Hedman is a white female resident of the State of Maryland and citizen of the United States, employed as a Minority Relations Counselor at the Coppin State College and was so employed for a period of more than five (5) years prior to her dismissal on August 1, 1976.

4. The Defendant, Calvin W. Burnett is President and Chief Administrative Officer of Coppin State College.

5. The Defendant, J. Carson Dowell is Chairman of the Board of Trustees of Maryland State Colleges and Universities, the governing body of Coppin State College.

6. Edmund C. Mester is the Executive Director of the Board of Trustees of the Maryland State Colleges and Universities, which is the governing body of Coppin State College.

7. Ronald K. DeSouza is Vice-President in charge of Student Personnel at the Coppin State College, and Vice-President of Student Affairs at said college.

8. Marvin Mandel is the Governor of Maryland, the Chief Executive Officer of the State.

CAUSE OF ACTION

9. All of the acts or practices complained of herein were being committed in the State of Maryland.

10. At all times relevant to this Complaint, the Defendants were State officials responsible for the employment of Plaintiffs, all of whom were public employees.

11. The Plaintiffs performed satisfactorily as Administrative Staff members at Coppin State College. In the past, members of the Administrative Staff who performed satisfactorily were retained at Coppin State College, and in fact, the Plaintiffs had been retained from year to year on the Administrative Staff at Coppin for more than five (5) years.

12. The reasons given for the non-renewal of Plaintiffs' contracts have been contradictory, inconsistent with prior and present practices on the campus, contrary to the wishes of the departments in which the Plaintiffs are employed, and unsupported by any evidence.

13. The said activities of the said Defendants and each of them are arbitrary, capricious, without basis in fact or law, illegal and invalid. Said activities of said Defendants will deprive the Plaintiffs of property without due process of law, contrary to and in violation of Article 23 of the Declaration of Rights of the Constitution of Maryland and the due process Clause of the Fourteenth Amendment to

the Constitution of the United States and will deny the Plaintiffs the equal protection of the laws, contrary to and in violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

VIOLATION OF LAW

14. It is the contention of the Plaintiffs that their dismissal by the Defendant Burnett on August 1, 1976, as a result of the recommendation of the Defendant DeSouza was illegal.

15. In accordance with Article 77 A, Section 12 of the Annotated Code of Maryland, Sub-section (e)-College Presidents, the following is stated:

> "The President shall nominate for appointment by the Board of Trustees, and may recommend for dismissal by the Board all heads of departments, all teachers, and all assistants of whatever kind."

16. In the By-Laws of the Board of Trustees of the State Colleges and Universities of Maryland in Paragraph No. Seven (7), the above language is used verbatum (sic) under Paragraph Seven of said By-Laws. Basically it is stated that the President may recommend for dismissal by the Board all administrative staff, all heads of departments and all teachers and assistants of whatever kind.

17. The By-Laws of the Board of Trustees of the State Colleges and Universities of Maryland further state in Paragraph No. Ten (10) that there is delegation of duty to the President of appointments of classified personnel only. It is further contended the By-Laws of the Trustees of the State Colleges and Universities or the Annotated Code of Maryland as stated in the above Article and Section does not permit dismissal by the Defendant Burnett as recommended by the Defendant DeSouza which was done in this case.

18. It is contended that the Plaintiff Grattan, who was the Director of Minority Relations at Coppin State College

and whose main function was the recruitment of "other race" (non-black) students at the college, was prevented, hampered and harassed from obtaining the necessary assistance needed for his program for recruitment. It should be noted that Coppin State College is 90% black and the "other race" students would be white, American Indian, Hispanic American and Asian American students. In the year of 1975, and more particularly, in the year of 1976, the Defendants Burnett and DeSouza had expressed hostility in a variety of ways towards these Plaintiffs and had prevented the Plaintiff Grattan and his staff from actually pursuing their main task of "other race" recruitment. Such things as the cutting of their budget, preventing them from making long distance phone calls, disallowing wrestling matches which could advance "other race" recruitment, are a few of the many things that were done by these Defendants which created interference with the recruitment program for which the Plaintiff Grattan was responsible.

19. That it is the contention of tne Plaintiff Hedman that her main purpose was for counselling "other race" students at Coppin State College, however, she was discharged because the Defendants were dissatisfied with her recruitment efforts in the Minority Affairs office.

20. It is the contention of both Plaintiffs that despite the total lack of cooperation by the Defendants, Burnett and DeSouza, the recruitment of "other race" students as the result of the efforts by the Plaintiffs showed that recruitment had not fallen off at Coppin State College in 1976, but had improved. As compared to other colleges that had a majority black enrollment, the recruitment percentage of "other race" students at Coppin State College was superior to these colleges.

21. The Defendants Burnett and DeSouza did many things within their power to obstruct the "other race" recruitment program that had been advanced by the Plaintiffs for the past five (5) years. Another example is that there was a conference held out of State pertaining to

the recruitment of "other race" students, that when the Plaintiff Grattan requested that he be allowed to attend said conference, he was turned down by the Defendants Burnett and DeSouza. However, these Defendants sent the Director of Student Activities to the conference in place of the Director of Minority Race Relations.

22. All actions that were in derogation of the Plaintiffs' constitutional rights were taken under the authority vested in the Defendants, Mester, Dowell and Board of Trustees, by virtue of their appointment by and responsibility to the Defendant, Marvin Mandel.

23. Plaintiffs and each of them have performed satisfactorily as Administrative Staff members of Coppin State College. In the past, the Administrative Staff members who performed satisfactorily were retained at Coppin State College and in fact, the Plaintiffs have been retained from year to year on the Administrative Staff at Coppin State for more than five (5) years.

24. The illegal dismissal of the Plaintiffs has caused and will continue to cause loss of employment, extreme financial hardship and loss of professional standing and will hamper and inhibit them in the continued exercise of rights protected by the First and Fourteenth Amendments of the United States Constitution.

25. The Plaintiffs were dismissed from Coppin State College on August 1, 1976, however, the Defendants, J. Carson Dowell, the the Board of Trustees of the Maryland State Colleges and Universities acted belatedly in relation to the dismissal of the Plaintiffs. As a matter of fact, the Board did not act on the dismissal until September 2, 1976.

PRAYERS FOR RELIEF

WHEREFORE, the Plaintiffs pray this Honorable Court to grant the following relief:

a) Make a determination as to the legality of the dismissal of the Plaintiffs on August 1, 1976. It is the

contention of the Plaintiffs that their dismissal was illegal and arbitrary.

b) That if said dismissal was illegal then it is respectfully requested that the Plaintiffs be reinstated to the positions they held at the Coppin State College as of August 1, 1976, and they receive all privileges due them which include but are not limited to wage losses and wage increases, leaves of absents, (sic) vacation pay, sick pay and all other privileges denied them as a result of their improper discharge.

c) In the alternative, if it is decided that the Plaintiffs' dismissal was not illegal, arbitrary or capricious, then the Plaintiffs request this Court to designate the proper forum for a grievence hearing to which they may be entitled.

(1) They Plaintiffs request if said hearing is necessary, it should be done by the Department of Personnel, for the State of Maryland.

(2) It is the Defendants' contention that said hearing should be by a three party panel at Coppin State College and said panel should be appointed by Dr. Calvin Burnett, and after taking said testimony they should make their recommendation to Dr. Burnett. It is the Defendants' further contention that Dr. Burnett may totally disregard the panel's recommendation and make his own independent decision.

This method is strenuously objected to by the Plaintiffs because it places the ultimate power of dismissal or re-instatement in the hands of the party who originally dismissed the Plaintiffs.

d) Grant such other and further relief as the nature of their cause may require.

AND, as in duty bound, etc.

Signatures Omitted

(Title Omitted)

AMENDED AND SUPPLEMENTAL BILL OF COMPLAINT

(Filed October 13, 1981)

Plaintiffs, by their undersigned counsel, file this Amended Bill of Complaint pursuant to Maryland Rule 320 and the Order of this Court entered on September 10, 1981, sustaining Defendant's (sic) Demurrer with leave to amend. Plaintiffs supplement this complaint by adding hereto Count V, pursuant to Maryland Rule 379, based on events that occurred subsequent to the filing of the initial complaint.

COUNT I

INTRODUCTORY STATEMENT

1. Plaintiffs bring this count under 42 U.S.C. Secs. 1981, 1983, 1985 and 1986 and Art. 23 of the Declaration of Rights of the Constitution of Maryland to redress discrimination on the basis of race (white) by the Defendants herein in the dismissal of Plaintiffs from their public employment and with respect to Plaintiffs' compensation, terms, conditions and privileges of employment, and to redress further a conspiracy among certain of the Defendants to violate Plaintiffs' rights as aforesaid and, further, to redress the neglect of such a conspiracy by certain of the Defendants herein who had knowledge of such conspiracy, had the authority and power to end it, but failed to do so. Plaintiffs seek compensatory and punitive damages, equitable and declaratory relief, costs of suit and reasonable attorneys' fees.

JURISDICTION

2. The jurisdiction of this court is invoked pursuant to the general original jurisdiction of the Circuit Courts of Maryland, including the various courts of the Supreme

Bench of Baltimore City, as codified at Sec. 1-501 of the Courts Art., *Anno. Code of Maryland.*

PARTIES

3. James R. Grattan ("Grattan") is a white resident of the State of Maryland and citizen of the United States. Grattan was employed by Coppin State College for more than five (5) years prior to his dismissal for such employment on or about August 1, 1976.

4. The Plaintiff Adrienne S. Hedman ("Hedman") is a white female citizen of the United States and at all times pertinent hereto was a resident of the State of Maryland. Hedman was employed by Coppin State College for approximately five (5) years prior to her dismissal from such employment on or about August 1, 1976.

5. The Defendant Calvin W. Burnett ("Burnett"), a black male, is and was at all times pertinent hereto President and chief administrative officer of Coppin State College, a public institution of higher education operated by the State of Maryland under the governance of the Defendant Board of Trustees of the State Universities and Colleges of Maryland, which was at all times pertinent hereto the employer of Plaintiffs.

6. The Defendant J. Carson Dowell ("Dowell") was at all times pertinent hereto Chairman of the Board of Trustees of the State Universities and College of Maryland.

7. The Defendant Edmund C. Mester ("Mester") was at all times pertinent hereto Executive Director of the Board of Trustees of the State Universities and Colleges of Maryland.

8. The Defendant Ronald K. DeSouza ("DeSouza"), a black male, is and was at all times pertinent hereto Vice-President of Student Affairs at Coppin State College and in this capacity was the direct superior of the Plaintiff Grattan at the time of the termination of the Plaintiffs' employment by Coppin State College.

9. The Defendant Harry Hughes* is Governor of Maryland and head of the Executive Branch of the State government, which includes, *inter alia*, the Defendant Board of Trustees of the State Universities and Colleges and Coppin State College.

STATEMENT OF FACTS

10. The Plaintiff Hedman commenced her employment at Coppin State College on or about August 23, 1971, initially working as a counselor in the Special Service Program, which was responsible for counseling students with special academic needs to help them remain in school. Plaintiff Hedman's assignment to this program was particularly appropriate in view of her academic preparation, which consisted, *inter alia*, of a Master's Degree in counseling from the University of Maryland, College Park. She also held a Master's Degree in Speech and Communication at the time of her hiring by Coppin.

11. In her first year of employment at Coppin, Hedman was deprived of a benefit accorded other, black and male employees, in that she was denied a cost-of-living raise effective for other State employees as of January, 1972, and a "step" increase that was effective for other, similarly situated employees of Coppin as of July 1, 1972. No blacks were treated in this manner at any time pertinent hereto.

12. During the summer following Hedman's first academic year of employment at Coppin, two persons, both black, were hired as counselors in the Special Services Program. Although the qualifications of neither were equal to those of Hedman, both were paid at rates equal to or greater than that paid Hedman. Furthermore, one of the two persons so hired was appointed Assistant Director of the Special Services Program, although this person lacked Hedman's experience in the Program and was lesser qualified academically than Hedman. The person

* The Defendant Governor Hughes is sued in his official capacity and is substituted for former Governor Mandel.

appointed Assistant Director as aforesaid, a black female, had no greater duties and responsibilities than did Hedman and performed with lesser skill and expertise than did Hedman.

13. In her second year of employment at Coppin, Hedman was treated adversely by her supervisor, Mrs. Mary B. Adams, as compared to other, black employees assigned to the same program as Hedman. Such adverse treatment included an attempt by the aforesaid supervisor, by means of a purportedly urgent recommendcation to the Defendant Burnett, as president of the College, to effect the immediate dismissal of Hedman on the basis of allegations known or suspected by the supervisor to be false, or in any event highly subjective and lacking any basis in fact. As a result of this patently false and scurrilous attack upon Hedman, the Defendant Burnett, who also knew or should have known of the falsity or otherwise improper nature of the allegations purportedly supporting the recommendation by Mrs. Adams concerning Hedman, ordered the removal of Hedman from her assignment to the Special Services Program, causing Hedman a substantial loss of professional opportunity, as well as emotional distress, pain and anguish. The removal as aforesaid of Hedman from the Special Services Program was effective on or about November 3, 1972, although Hedman remained, for accounting and payroll purposes, on the payroll of the Special Services Program for some weeks subsequent to November 3, 1972. No blacks were treated in this manner at any time pertinent hereto.

14. Subsequent to November 3, 1972, Hedman was deprived totally of any opportunity of advancement or professional growth at Coppin; in fact, she was assigned no work for some weeks and was directed not to report for work for a significant period of time. No blacks were similarly treated at this time or at any other time pertinent hereto.

15. On or about January 24, 1973, Hedman received a faculty contract for the period December 6, 1972, through

June 30, 1973, and was asked to function as a counselor in the College Counseling Center under the direction of the Dean of Students, one Charles Wright.

16. In early June, 1973, Hedman expressed to the aforesaid Dean Charles Wright her desire to continue serving as a counselor in the College Counseling Center. From that time until August, 1973, Hedman made repeated attempts to determine whether she would receive a contract for the 1973-74 academic year and, if so, what kind of contract (*i.e.*, faculty or supporting staff). In late August, 1973, Hedman was informed that she was being reassigned to the College's "Integration Office," which was formally denominated the Office of Minority Relation and was responsible for recruiting and counseling non-black students. Hedman was then advised that there was no other position available for her at the College, despite the fact that Dean Wright and W. William Nicholsonne, who served as both Director of Financial Aid and Director of Veterans Affairs, had sought the assignment of her to their respective offices.* Despite the efforts of Dean Wright and Mr. Nicholsonne and also the objections of Hedman and the Plaintiff Grattan, who as Director of the Office of Minority Relations had recommended the assignment of another person thereto, Hedman was assigned to that Office at the personal direction of the Defendant Burnett. No blacks were treated in this manner at any time pertinent hereto. Furthermore, all white counselors employed by Coppin, from 1973 through 1976, were assigned to the Office of Minority Relations.

17. Although Hedman was available and ready to work or actually performed her employment duties during the months of August and September, 1973, her name was removed from the payroll of the College for the entire month of August and until on or about September 15, 1973. This occurred in the absence of any notice to

* Hedman also sought appointment to a faculty (teaching) position for which she was qualified, but, for reasons not known to her, was not accepted for such an appointment.

Hedman that she was not being rehired for the 1973-74 academic year and, indeed, in the absence of any notice of any kind. The College is and was required to give notice prior to the end of one academic year if a professional employee is or was not to be rehired for the following year. No blacks were treated in this manner at any time pertinent hereto.

18. At approximately the same time as Hedman's forced assignment to the Office of Minority Relations, a black female was assigned to a counseling position within the College Counseling Center, despite the fact that her qualifications and experience were inferior to those of Hedman and despite the fact that Hedman had satisfied any or all requirements or indicating her wish to be assigned as a counselor to the College Counseling Center.

19. During the 1973-74 academic year, the Director of Financial Aid, Mr. Nicholsonne, again requested that Hedman work in his office. Mr. Nicholsonne asked Hedman to work in his office, and he also made this request to the Vice-President for Student Affairs, the Defendant Mr. Ronald DeSouza, *i.e.*, that Hedman be assigned to the Office of Financial Affairs. DeSouza denied Mr. Nicholsonne's request, on grounds that such a reassignment of Hedman would "affect the Integration Office," as the Office of Minority Relations was called. Previously, however, DeSouza had been asked by Hedman to effect her transfer out of the Integration Office, and DeSouza had replied that he would "keep you in mind." At no time did DeSouza indicate directly to Hedman that she would not be permitted to transfer out of the Integration Office. Subsequent to DeSouza's rejection of Mr. Nicholsonne's request that Hedman be assigned to his office, a black female was hired for the position that Hedman had been offered by Mr. Nicholsonne, which position Mr. Nicholsonne had requested that DeSouza permit him to fill by the reassignment of Hedman. The black female hired for this position had qualifications and experience that were inferior to those of Hedman.

20. In approximately June, 1974, two vacancies occurred (either from departures of personnel assigned there or because of the allocation of additional "slots") in the College Counseling Center. These positions were never advertised, however, and were filled without Hedman being given an opportunity to apply for them, although Hedman was qualified, because of having completed or virtually completed the course work for a graduate degree in counseling, and experienced in the Counseling Center and although DeSouza had assured Hedman that he would keep her in mind in the event of any vacancy for a counselor in the College Counseling Center, which was within DeSouza's area of administrative responsibility as Vice President for Student Affairs. Both of those hired for the two counseling positions were black. One, a black male, had no credentials in counseling and no advanced degree of any kind, and yet received a salary equal to or greater than that received by Hedman.

21. In approximately July of 1975, another counseling position became available in the College Counseling Center, and a black female was assigned there as a counselor, despite her lack of academic credentials in the field of counseling and the lack of an advanced degree. Hedman had in no way rescinded or retracted her request to be assigned to a counseling position and thus had fulfilled any requirements that she apply for such a position.

22. In approximately February, 1975, a Mr. Lynn Jones was appointed Director of the College Counseling Center, where Hedman was assigned from time to time to work with Counseling Center personnel on special projects, despite the refusal, as aforesaid, to assign her to the Center on a permanent basis. In his capacity as Director of the College Counseling Center, Mr. Jones, who is black, reported directly to DeSouza, and DeSouza reported directly to Burnett. In his relationship with Hedman, Mr. Jones was from the outset hostile and abusive; his treatment of her was different from the treatment that he

accorded black and male subordinates. Mr. Jones requested reports from Hedman that he did not request from black and male subordinates, and he made Hedman account for her whereabouts to a far greater degree than Hedman's black co-workers, although Mr. Jones was not Hedman's supervisor. Also, Mr. Jones refused to coordinate his use of and demands for the services of Hedman with Hedman's immediate supervisor, the Plaintiff Grattan. Mr. Jones also made complaints to DeSouza about Hedman, alleging falsely that she was refusing to cooperate in performing her counseling duties. During this period, black counselors regularly assigned to the College counseling Center received no supervision from Mr. Jones, despite their lack of academic preparation in the field of counseling and despite their general failure to observe normal working hours and despite the fact that Hedman had considerably more seniority at Coppin than any of the black counselors.

23. On or about June 17, 1976, Hedman was notified in writing by DeSouza was (sic) recommending to Burnett that her employment contract not be renewed for the 1976-77 academic year. As grounds for his decision, DeSouza cited Hedman's failure to recruit effectively "other race" (i.e., nonblack) students, although he acknowledged that Hedman had "been involved in a counseling function which is directed towards the retention of 'other race' students." In fact, Hedman spent approximately two percent of her working time on recruitment and the remainder of her time on counseling or counseling-related activities. Further, contrary to the recommendation by DeSouza, the percentage increase in admission of "other race" students at Coppin was one of the largest increases among the various predominantly or majority-black compuses of the public colleges and universities in the State of Maryland, despite persistent interference and undermining of the operation of the Office of Minority Relations by DeSouza, Burnett and other administrators of Coppin. Blacks were not treated in this manner at any time pertinent hereto.

24. Burnett approved the recommendation of DeSouza without affording Hedman an opportunity to rebut the assertions contained in DeSouza's recommendation, and thereafter Hedman was denied an opportunity to have a grievance heard on the subject of her dismissal. Hedman experienced repeated difficulties in obtaining a contract for each succeeding year. In fact, Hedman never received notice in any academic year of whether or not she would be retained for the following year at such a time as to allow her to seek other employment for such following year. Indeed, Hedman received no contract at all for the 1974-75 academic year. Blacks were not treated in this manner at any time pertinent hereto.

26. The Plaintiff James R. Grattan was initially employed at Coppin State College in 1969, and in 1973 was appointed to the position of Director of the Office of Minority Relations. In this capacity, Grattan was responsible for recruiting non-black students and for insuring that counseling and other supportive services and assistance were made available to them.

27. In discharging his responsibility for the recruitment of non-black students, Grattan undertook to make Coppin State College more visible to prospective non-black students in the central Maryland area, organizing such events as wrestling tournaments and making hundreds of visits to high schools in the said area. Scheduling and coordinating these efforts required extensive use of long-distance telephone calls. Grattan also sought to provide support for non-black students at Coppin, by providing them with counseling services and assistance with their day-to-day problems at the college. Grattan also sought to improve his expertise in recruiting non-black students, by *e.g.*, attending workshops and conferences.

28. During the time of the Plaintiff Hedman's assignment to the Office of Minority Relations and during the directorship of the Plaintiff Grattan of the Office of Minority Relations, the Defendants Burnett and DeSouza actively interfered with, hindered, obstructed and ham-

pered the functioning of the said Office of Minority Relations, and the Defendants DeSouza and Burnett further conspired to violate the rights of Plaintiffs and of non-black students at Coppin State College and prospective students to enjoy equal protection of laws and equal privileges and immunities, and in so conspiring, the Defendants DeSouza and Burnett injured the persons and property of the Plaintiffs herein. More particularly, the defendants DeSouza and Burnett acted (sic) and between themselves and with others, to interfere with, hinder, obstruct and hamper the functioning of the Office of Minority Relations in the following ways (which are merely examples and do not purport to be an exhaustive enumeration of the Defendants DeSouza's and Burnett's wrongdoing): (1) By corruptly denying the Plaintiff Grattan the opportunity to attend a conference in Atlanta, Georgia, held specifically for the purpose of assisting personnel of predominantly or majority-black colleges in the recruitment of non-black students, while the Director of Student Activities was permitted to attend the aforsaid conference, although the Plaintiff Grattan was primarily responsible for the recruitment and retention of non-black students, rather than the aforesaid Director of Student Activities; (2) denial of long-distance telephone privileges to the Office of Minority Relations; (3) the summary and capricious or malicious cancellation of a wrestling tournament that had been organized by the Plaintiff Grattan for the purpose of enhancing the perception of Coppin State College among non-black students and prospective students; and (4) failing and refusing to provide the amount and degree of administrative and logistical support for the Office of Minority Relations that was and is ordinarily and customarily provided for other organizational components of Coppin State College.

29. Despite the aforesaid acts and conspiracy by and between and among the Defendants DeSouza and Burnett and others to interfere with, hinder, obstruct and hamper the operation of the Office of Minority Relations, non-black enrollment at Coppin State College increased

substantially during the time of Plaintiff Grattan's directorship of the Office of Minority Relations, and such increase was caused and effected in substantial part by and because of the efforts of Plaintiff Grattan and the staff of the Office of Minority Relations. In fact, non-black enrollment at Coppin State College increased to such a degree during the time of the Plaintiff Grattan's directorship of the Office of Minority Relations that the College was able to meet the desegregation goals set out for it in the State's plan for desegregating higher education. Most or all of the other majority- and predominantly-black campuses in Maryland did not meet their desegregation goals during this time.

30. Despite the success of the Office of Minority Relations in recruiting and retaining non-black students during the tenure of the Plaintiff Grattan as its director, or perhaps because of such success, Grattan was notified on June 17, 1976, by the Defendant DeSouza that he was recommending that Grattan's employment not be continued for the following academic year, 1976-77. In so notifying Grattan of his recomendation, the Defendant DeSouza falsely alleged that the Office of Minority Relations and Grattan had failed to perform satisfactorily in the recruitment and retention of non-black students at Coppin State College. In furtherance of the aforesaid conspiracy to violate the rights of Grattan and of non-black students at Coppin and non-black prospective students to equal protection of laws, the Defendant Burnett summarily approved the recommendation of DeSouza, and the dismissal of Grattan was thereby effectuated, although the said dismissal was *ultra vires* because it lacked the requisite approval of the Defendant Board of Trustees of the State Universities and Colleges of Maryland.

31. The Defendant Edmund C. Mester had knowledge of the aforesaid acts by the Defendants DeSouza and Burnett and further of the aforesaid conspiracy to violate the rights of Plaintiffs and of non-black students and prospec-

tive students; the Defendant Mester further had the power and authority to terminate and procure redress of the acts and the conspiracy complained of herein, but Mester failed and refused to exercise such authority and power and permitted the aforesaid acts and conspiracy to continue and to remain unredressed.

32. The Defendant J. Carson Dowell knew or should have known of the aforesaid acts and conspiracy, had the authority and power to terminate and procure redress of the aforesaid acts and conspiracy, but failed to terminate or procure redress as aforesaid.

33. The Defendants acted and conspired as aforeaid deliberately, maliciously and knowingly in violation of the Constitutional rights of the Plaintiffs as aforesaid, and they and each of them so acted under color of state law. The Defendants Burnett, DeSouza, Mester and Dowell are sued in their individual, or personal, capacities, and the Defendants DeSouza and Burnett are also sued in the their official capacities for the purpose of equitable and prospective relief.

34. By their acts, omissions, conspiracy and neglect of conspiracy as aforeaid, the Defendants herein caused or unlawfully permitted the Plaintiffs to be subjected to invidiously discriminated against, by means of disparate and adverse treatment in their employment and termination from their public employment, on the basis of their race.

35. As a direct and proximate result of the invidiously discriminatory acts and omissions complained of herein and of the conspiracy so to discriminate and of the neglect of such conspiracy, Plaintiffs were subjected to the loss of their public employment, to substantial losses of salary and compensation and other monetary losses, humiliation and embarrassment, grievious emotional distress and anguish, loss of professional opportunities, and grievious injury to their personal and professional reputations.

STATEMENT OF CLAIMS

36. The Defendants Burnett and Desouza, by invidiously discriminating against Plaintiffs on the basis of their race, as aforesaid, have violated Plaintiffs' right to equal protection of laws guaranteed them by the Fourteenth Amendment to the United States Constitution, and as further guaranteed by Art. 23 of the Declaration of Rights of the Constitution of Maryland.

37. The Defendants Burnett (sic) DeSouza, by conspiring between themselves and with others to deprive Plaintiffs of their right to equal protection of laws and equal privileges and immunities, have violated 42 U.S.C. Sec. 1985.

38. The Defendants Mester and Dowell, by failing to act upon their knowledge of the existence of the aforesaid conspiracy to violate the rights of Plaintiffs, as aforesaid, although the Defendants Mester and Dowell had the authority and power to terminate and procure redress of the said conspiracy, have violated 42 U.S.C. Sec. 1986.

RELIEF SOUGHT

WHEREFORE, Plaintiffs pray the following relief:

39. The award to each of the Plaintiffs of $250,000 as compensatory damages with said damages to be apportioned among the Defendants Burnett, DeSouza, Mester, and Dowell, in their individual, or personal, capacities.

40. The award of $100,000 in punitive damages to each of Plaintiffs, with such punitive damages to be apportioned among the Defendants Burnett, DeSouza, Mester, and Dowell in their individual, or personal, capacities.

41. An injunction enjoining and restraining the Defendant Governor Harry Hughes, the Defendant Board of Trustees of the State Universities and Colleges, and the Defendant Burnett and DeSouza, in their official capacities, from failing or refusing to reinstate Plaintiffs to their

public employment, with full back pay, as if they had not been wrongfully discharged from such employment.

42. Award of costs of suit and reasonable attorneys' fees.

43. Such other and further relief as Plaintiff's (sic) cause may require.

COUNT II

INTRODUCTORY STATEMENT

1. The Plaintiff Adrienne S. Hedman brings this count under 42 U.S.C. Section 1983 and Articles 23 and 46 of the Constitution of Maryland to redress discrimination on the basis of sex in the termination of her public employment and in the compensation, terms, conditions and privileges of her public employment, in violation of the Fourteenth Amendment to the United States Constitution and the aforesaid Articles 23 and 46 of the Constitution of Maryland. The Plaintiff seeks compensation and punitive damages, equitable relief, costs of suit and reasonable attorneys' fees.

JURISDICTION

2. The Plaintiff Hedman hereby adopts and incorporates herein by reference Paragraph 2 of Count I.

PARTIES

3. The Plaintiff Hedman hereby adopts and incorporates herein by reference Paragraphs 3 through 9 of Count I.

STATEMENT OF FACTS

4. The Plaintiff Hedman hereby adopts and incorporates herein by reference Paragraphs 10 through 26.

5. The Plaintiff Hedman further alleges that, with the exception of the matters alleged in Paragraphs 26 through

30, no similarly situated male employee of Coppin State College was treated as Plaintiff Hedman was treated.

6. As a direct and proximate result of the acts, omissions, conspiracy and neglect of conspiracy as alleged herein, the Plaintiff Hedman was caused to suffer loss of her public employment, substantial loss of income, other monetary losses, great emotional distress and anguish, great humiliation and embarrassment, grievous injury to her personal and professional reputations, and great loss of professional opportunity.

STATEMENT OF CLAIMS

7. The Defendants Burnett and DeSouza, by invidiously discriminating against the Plaintiff Hedman as aforesaid, have violated her right to equal protection of laws as guaranteed by the Fourteenth Amendment to the United States Constitution as by Article 23 of the Declaration of Rights of the Constitution of Maryland, and have further violated the Plaintiff Hedman's right not to be discriminated against on the basis of sex as guaranteed by Art. 46 of the Declaration of Rights of the Constitution of Maryland.

RELIEF SOUGHT

WHEREFORE, Plaintiff Hedman prays the following relief:

8. Award of $250,000 in compensatory damages, apportioned against the Defendants Burnett, DeSouza, Mester, and Dowell in their individual, or personal, capacities.

9. Award of $100,000 in punitive damages, apportioned among the Defendants Burnett, DeSouza, Mester, and Dowell in their individual, or personal, capacities.

10. An injunction enjoining and restraining the Defendant Board of Trustees of the State Universities and Colleges, the Defendant Governor Harry Hughes, and the Defendants Burnett and DeSouza in their official capaci-

ties from failing or refusing to reinstate the Plaintiff Hedman to her public employement, as if she had not been wrongfully discharged, and with full back pay.

11. Award of costs of suit and reasonable attorneys' fees.

12. Such other and further relief as Plaintiff's cause may require.

COUNT III

INTRODUCTORY STATEMENT

1. The Plaintiff James R. Grattan brings this count under 42 U.S.C. Section 1983 and Article 19 of the Declaration of Rights of the Constitution of Maryland to redress the violation of his right of free speech as guaranteed by the First and Fourteenth Amendments to the United States Constitution and by the aforesaid Article 19 of the Declaration of Rights of the Constitution of Maryland. Plaintiff Grattan seeks compensatory and punitive damages, injunctive relief, and costs of suit and reasonable attorneys' fees.

JURISDICTION

2. The Plaintiff Grattan hereby adopts and incorporates herein by reference Paragraph 2 of Count I.

PARTIES

3. The Plaintiff Grattan hereby adopts and incorporates herein by reference Paragraphs 3 through 9 of Count I.

STATEMENT OF FACTS

4. The Plaintiff Grattan hereby adopts and incorporates herein by reference Paragraphs 26 through 35 of Count I.

5. Some months prior to the Plaintiff Grattan's dismissal from his public employment, the Defendant DeSouza demanded to know from him if he were "pushing" the idea of a "white students union." Such demand was made by Defendant DeSouza at a staff meeting and was

calculated to embarrass and humiliate Grattan. Grattan responded by urging that, if white students requested the formation of a "white students union" at Coppin State College, the administration should consider their request. DeSouza angrily retorted that if he ever learned that Grattan was supporting the formation of a "white students union," he (DeSouza) would see to it that Grattan lost his job. The substance of this exchange was thereupon communicated to the Defendant Burnett. The Defendant DeSouza did believe that Grattan was supporting or advocating the establishment at Coppin of a "white students union," and Grattan's employment was terminated because of the Defendant DeSouza's belief in such support and advocacy by Grattan at the formation or establishment at Coppin of such a "white students union." The Defendant Burnett also believed Grattan was supporting or advocating such a "white students union" at Coppin, and for this reason Burnett approved and effectuated the termination of Grattan's employment as aforesaid.

6. The belief by Defendants DeSouza and Burnett was the substantial or motivating factor in the termination of Grattan's employment, and, further, but for the said belief by Defendants DeSouza and Burnett, the employment of Grattan would not have been terminated.

7. At all times pertinent hereto, the Defendants Burnett and DeSouza were acting under color of state law, and with deliberate, knowing, and malicious disregard for their violation of the Plaintiff Grattan's constitutional and legal rights.

8. As a direct and proximate result of the acts complained of herein, the Plaintiff Grattan was caused to lose his public employment, to suffer a substantial financial loss, to suffer further great emotional distress and anguish, to suffer great humiliation and embarrassment, to suffer a grievous loss of personal and professional reputation, and to suffer a loss of professional opportunity.

STATEMENT OF CLAIMS

9. The Defendants DeSouza and Burnett, by causing and effecting the termination of the Plaintiff Grattan's employment for the substantial and motivating reason that they believed he was advocating or supporting the establishment or formation at Coppin State College of a "white students union," have violated the Plaintiff Grattan's right of free speech as guaranteed by the First and Fourteenth Amendments to the United States Constitution, and by Article 19 of the Declaration of Rights of the Constitution of Maryland.

RELIEF SOUGHT

WHEREFORE, the Plaintiff Grattan seeks the following relief:

10. An award of $250,000 in compensatory damages, apportioned among the Defendants Burnett, DeSouza, Mester, and Dowell, in their individual, or personal, capacities.

11. Award of $100,000 in punitive damages, apportioned among the Defendants Burnett, DeSouza, and Dowell, in their individual, or personal, capacities.

12. An injunction enjoining and restraining the Defendant Governor Harry Hughes, the Defendant Board of Trustees of the State Universities and Colleges of Maryland, and the Defendants Burnett and DeSouza in their official capacities, from failing or refusing to reinstate the Plaintiff Grattan to his public employment, as if he had not been wrongfully discharged therefrom with full back pay.

13. Award of the costs of suit and reasonable attorneys' fees.

14. Such other and further relief as the Plaintiff Grattan's cause may require.

COUNT IV

INTRODUCTORY STATEMENT

1. The Plaintiff Adrienne S. Hedman brings this count under 42 U.S.C. Section 1983 to redress the violation of her right of free speech as guaranteed by the First and Fourteenth Amendments to the United States Constitution. The Plaintiff Hedman complains also under Article 19 of the Declaration of Rights of the Constitution of Maryland. Plaintiff Hedman seeks compensatory and punitive damages, equitable relief, and costs of suit and reasonable attorneys' fees.

JURISDICTION

2. The Plaintiff Hedman hereby adopts and incorporates herein by reference Paragraph 2 of Count I.

PARTIES

3. The Plaintiff Hedman hereby adopts and incorporates herein by reference Paragraphs 3 through 9 of Count I.

STATEMENT OF FACTS

4. The Plaintiff Hedman hereby adopts and incorporates herein by reference Paragraphs 10 through 25 of Count I, and paragraph 7 of Count III.

5. In the spring of 1976, prior to the notice of June 17, 1976, of the recommendation of the Defendant DeSouza that her employment not be continued for the 1976-77 academic year, the Plaintiff Hedman, in the conscientious, appropriate, and competent performance of her duties as a counselor in the Office of Minority Relations, sought to intercede on behalf of certain white students at Coppin State College who were improperly and unjustly denied the opportunity to be graduated "with honors." The white students were so denied this opportunity and honor because they had transferred to Coppin State College and therefore had not pursued and completed all of their

undergraduate academic work at Coppin. In attempting to intercede on behalf of the said white students, the Plaintiff Hedman protested the decision of the Coppin administration to deny the said white students this opportunity and honor. The said protest, communicated to the Coppin administration and directly or indirectly to the Defendants DeSouza and Burnett, thereupon became the substantial or motivating factor in the discharge of the Plaintiff Hedman from her public employment, as aforesaid.

6. As a direct and proximate result of the actions complained of herein, the Plaintiff Hedman was unlawfully deprived of her public employment, suffered substantial monetary loss, suffered great humiliation and embarrassment, suffered great emotional distress and anguish, suffered grievous injury to her personal and professional reputations, and suffered a substantial loss of professional opportunity.

7. At all times pertinent hereto, the Defendants DeSouza and Burnett were acting under color of state law, and they and each of them further acted with knowing, deliberate, reckless, and malicious disregard for the violation of the Plaintiff Hedman's rights as protected by the United States Constitution and the Constitution of Maryland.

STATEMENT OF CLAIMS

8. By terminating the Plaintiff Hedman's public employment as aforesaid, because of her expressed, good faith opposition to a highly questionable policy or practice of the administration of Coppin State College, the Defendants DeSouza and Burnett violated the Plaintiff Hedman's right of free speech as guaranteed by the First and Fourteenth Amendments to the United States Constitution and also Plaintiff Hedman's right of free speech as guaranteed by Article 19 of the Declaration of Rights of the Constitution of Maryland.

RELIEF SOUGHT

WHEREFORE, Plaintiff Hedman prays the following relief:

9. An award of $250,000 in compensatory damages, apportioned between the Defendants DeSouza and Burnett, in their individual, or personal capacities.

10. An award of $100,000 in punitive damages, apportioned between the Defendants DeSouza and Burnett, in their individual, or personal, capacities.

11. An injunction enjoining and restraining the Defendant Governor Harry Hughes, the Defendant Board of Trustees of the State Universities and Colleges of Maryland, and the Defendants Burnett and DeSouza in their official capacities, from failing or refusing to reinstate the Plaintiff Hedman to her public employment, as if she had not been wrongfully discharged therefrom, with full back pay, with interest.

12. An award of the costs of suit, and reasonable attorneys' fees.

13. Such other and further relief as the Plaintiff Hedman's cause may require.

COUNT V

INTRODUCTORY STATEMENT

1. Plaintiff Grattan brings this action under Sec. 706(k) of Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C. Sec. 2000e. *et seq.*, hereinafter referred to as "Title VII," to redress discrimination on the basis of race (white) by the Defendants herein in the dismissal of Plaintiff Grattan from his employment and with respect to Plaintiff Grattan's compensation, terms, conditions and privileges of employment. Plaintiff Grattan seeks damages, equitable relief, and costs of suit, including a reasonable attorneys' fee, as a result of the acts and omissions complained of herein.

JURISDICTION

2. The Plaintiff Grattan hereby adopts and incorporates herein by reference Paragraph 2 of Count I.

PARTIES

3. The Plaintiff Grattan hereby adopts and incorporates herein by reference Paragraphs 3 through 9 of Count I.

STATEMENT OF FACTS

4. Plaintiff Grattan hereby adopts and incorporates herein by reference Paragraphs 26 through 35 of Count I.

5. Plaintiff Grattan filed a complaint with the Equal Employment Opportunity Commission on *August, 1976,* alleging discrimination on the basis of race in the termination of his employment and in the terms, conditions, and privileges of his employment.

6. The E.E.O.C. found cause to believe the alleged discrimination had occurred and referred to the United States Department of Justice for litigation. The Justice Department declined to litigate; however, and on *September 10, 1981* a notice of "right to sue" was issued to the Plaintiff Grattan.

STATEMENT OF CLAIMS

7. By discriminating against the Plaintiff Grattan on the basis of his race in the termination of his employment and in the compensation, terms, conditions and privileges of his employment, the Defendant Board of Trustees of the State Universities and Colleges of Maryland, and the Defendants DeSouza and Burnett violated 42 U.S.C. 2000e. *et seq.*

RELIEF SOUGHT

WHEREFORE, Plaintiff Grattan seeks the following relief:

8. Reinstatement to his public employment, as if he had not been discriminatorily and illegally discharged therefrom, with full back pay.

9. Award of costs of suit and reasonable attorneys' fees.

10. Such other and further relief as Plaintiff Grattan's cause may require.

Signatures and Certification Omitted

(Title Omitted)

DEFENDANTS' MOTION TO DISMISS

(Filed November 30, 1981)

Defendants in the above-captioned action, by their undersigned attorneys, move, pursuant to Rule 12 of the Federal Rules of Civil Procedure, that the complaint filed against them be dismissed. As grounds for this Motion, Defendants state as follows:

1. Certain of Plaintiff's claims under 42 U.S.C. §§ 1981, 1983, 1985, 1986 and Articles 19, 23, and 46 of the Maryland State Constitution must be dismissed as time-barred.

2. All claims based on 42 U.S.C. § 1986 are time-barred and must be dismissed.

3. Plaintiffs have failed to state a cause of action under 42 U.S.C. § 1986.

4. Plaintiffs have failed to state a claim under 42 U.S.C. § 1981.

5. Plaintiffs have failed to state a cause of action under § 1983 as neither Plaintiff can show a violation of any property or liberty interest.

6. Certain Defendants are not "persons" within the meaning of 42 U.S.C. §§ 1983, 1985 and 1986.

7. This Court lacks jurisdiction over Plaintiff Grattan's Title VII claims.

8. This Court lacks jurisdiction over each Defendant named in Plaintiff Grattan's Title VII claim as none was named in Plaintiff's charge to the EEOC.

9. Title VII prohibits relief for any alleged unlawful acts occurring prior to December 25, 1975.

10. Plaintiff's Title VII claims against the Board, the Governor and Defendants Mester and Dowell must be dismissed because, as to these Defendants, Plaintiff has failed to state a cause of action.

Signatures and Certification Omitted

EXHIBIT 2 TO DEFENDANTS' MOTION TO DISMISS

COPPIN STATE COLLEGE

2500 West North Avenue

Baltimore, Maryland 21216

VICE PRESIDENT FOR STUDENT AFFAIRS

June 9, 1976

MEMORANDUM

To: Mr. James Grattan
Director of Minority Affairs

From: Ronald K. DeSouza (RKD)
Vice President for Student Affairs

Re: Letter of Appointment — 1976-77

This is to inform you that I am recommending to the President that you not be reappointed for the 1976-77 academic year as the Director of Minority Affairs effective July 15, 1976.

Throughout this past year, I have repeatedly tried to impress upon you the fact that I was not satisfied with the recruitment efforts of the Minority Affairs office. Although

the "other race" enrollment has increased, it is questionable as to the impact the Minority Affairs office has made on the increase.

In your January 28, 1976 Monthly report, you reported "Number of New Other Race Applicants for Admission to Spring Semester, 1976, 23." You reported that of the twenty-three students who were admitted only fifteen registered, of which three were freshmen and twelve were transfers. It is inconceivable to me that with two full-time staff members who have as a *primary* responsibility the recruitment of other race students to the college, only produced three new freshmen and 12 new transfer students for registration in the Spring of 1976.

Thirty-one institutions were visited in January 1976, and in February, twenty-six. In February, only eleven applicants for admission from "other race" students were received. No students were accepted for admission to the college. In March of 1976, you reported thirty-five institutions visited with twenty-nine applications received and eleven students accepted for admission of which four were freshmen and seven transfers. In April, twenty-one institutions were visited, thirteen applications for admission were received with only ten students accepted for admission. (Your report only shows three). In May, 1976, fifteen institutions were visited with seven applications received in admissions and seven students accepted, one freshman and six transfers. Since the recruitment efforts of the office began in October 1975, you have reported only sixty applications received in admissions for "other race" students with only twenty-eight students accepted for Fall 1976 admission as of the date of this memorandum. Your reports submitted to this office do not reflect recruitment efforts which I can continue to support. The salaries paid to you and your staff in the amount of $36,351.00 per year are not justified based on output. If from October 1975 through May 1976, there have only been twenty-eight under-graduate students accepted for admission to the college, the recruitment efforts of the staff are unac-

ceptable for this office since we know that all accepted students will not actually register.

In fairness, your office does have a counseling function which is directed towards the retention of "other race" students, however, I have often told you that if we don't effectively recruit "other race" students, it will not be necessary to provide counseling services. Many of the activities sponsored by your office have been excellent, however, they do not take precedence over the purpose for which the office was established. I asked you to consider developing off-campus opportunities for students and instructed you to touch base with Mrs. Graves, however, as of the date of this memorandum, nothing has been planned or come into fruition.

The administration of the ORG program does not refute, in my mind, the ineffective recruitment efforts of the office since a majority of the awards are made to continuing students and have been awarded to students in our off-campus programs. Awards are also made to students who are attending the institution and were not recruited by the Minority Affairs Office. The increase in ORG funds received from the Board in 1975 were primarily intended to allow for the recruitment of additional "other race" students.

The Minority Affairs Office has not, in my opinion, adequately fulfilled the primary role for which it was intended at Coppin State College. The office, based on output, has not effectively recruited "other race" students. It is my opinion that the successful recruitment of students is primarily based on the ability of one to promote the institution. Although recruitment posters and pamphlets are important, one's ability to convince students to come to Coppin is of more importance.

You were informed, along with the other directors in the Student Personnel Division, that the college was experiencing financial difficulties and there was a possibility that we would not be receiving raises and/or increments for the

1976-77 academic year. Based on that information and your knowledge of the state of affairs of the college, you submitted a request for reclassification. Based on the submission of the reclassification request, in my mind, your commitment to the institution is questionable. In view of my constant warnings to you concerning the need for more output in terms of recruitment, based on the submission of a request for reclassification, I assume that you feel that you are doing a good job. Matters pertaining to HEW reports and affirmative action duties do not in themselves justify a reclassification. Every director in Student Personnel has additional responsibilities which they perform at no additional compensation.

In conclusion, there is nothing personal in my decision, since you have always dealt with me in a most professional manner, however a job must be done and personal feelings must be set aside. I wish you the best in all future endeavors.

EXHIBIT 3 TO DEFENDANTS' MOTION TO DISMISS

COPPIN STATE COLLEGE

2500 West North Avenue

Baltimore, Maryland 21216

VICE PRESIDENT FOR STUDENT AFFAIRS

June 17, 1976

MEMORANDUM

To: Mrs. Adrienne Hedman, Counselor
Minority Relations Office

From: Ronald K. DeSouza (RKD)
Vice President for Student Affairs

Re: Reappointment, 1976-1977

It is with regret that I inform you of my decision to recommend to the President that you not be reappointed

as a member of the Minority Relations Office staff for the 1976-1977 academic year.

My decision is predicated upon a dissatisfaction with the lack of recruitment output in terms of the number of new "other race" students applying and being accepted for admission to the college, which is directly attributable to the recruitment efforts of the Minority Relations Office.

With the primary function of the Minority Relations Office, as mandated by the Board of Trustees, being recruitment, this office cannot justify a salary of $16,301.00 per year for a staff who, although she was not totally responsible for the recruitment of "other race" students, was involved to a large degree.

For the Spring 1976 semester, twenty-three "other race" students applied for admission to the college. Of the twenty-three who applied, only fifteen students registered, of which three were freshmen and twelve transfers. With the number of community colleges in the Baltimore Metropolitan area alone, it seems to me that the Minority Relations Office should have attracted more than fifteen transfer students. From January through May, 1976, you and Mr. Grattan visited approximately 128 institutions with only sixty applicants for admission being submitted to the Admissions Office as of May 31, 1976. Of the sixty applicants received, only twenty-three students have been accepted for admission to the college. Yes, the "other race" enrollment of the college has increased, however, it is questionable as to the impact your efforts have made on the increase. An additional $70,000.00 in O.R.G. monies was given to Coppin last year for the purpose of attracting new "other race" students to the college. The fact that only twenty-three applications for admission were received for the Spring 1976 semester indicate a lack of effective recruitment techniques since there was ample monetary assistance available, brochures and travel money to assist in the staff's recruitment efforts. This office cannot continue to make excuses as to why the staff in the Minority Relations Office is not making significant strides

toward effectively recruiting new "other race" students to the college.

In fairness, you have been involved in a counseling function which is directed towards the retention of "other race" students, however, the *primary* function of the staff is to recruit new "other race" students to the college. Many of the activities sponsored by the office were good, however, they do not take precedence over the primary purpose for which the office was established.

In conclusion, you have not adequately fulfilled the primary purpose of your employment at Coppin State College. Based on output, I am of the opinion that you have not effectively recruited "other race" students. I am also of the opinion that the successful recruitment of students is primarily based on the ability of one to promote the institution. Although pamphlets, posters and counseling efforts directed towards retention are important, one's ability to promote the institution in a manner which will appeal to students is of more importance. There is nothing personal in my decision since you have always dealt with me in a most professional manner, however, a job must be done and personal feelings must be set aside. I wish you the best in all future endeavors.

(Title Omitted)

SUPPLEMENT TO DEFENDANTS' MOTION TO DISMISS

(Filed March 2, 1982)

Defendants, Calvin W. Burnett, J. Carson Dowell, Edmund C. Mester, Ronald K. DeSouza, Harry R. Hughes and the Board of Trustees of the State Universities and Colleges of Maryland, by their undersigned attorneys, move, pursuant to Rule 12 of the Federal Rules of Civil Procedure that an order be issued dismissing each of

Plaintiffs' claims under 42 U.S.C. §§ 1981, 1983 and 1985 for the following reason:

All claims premised on these statutes are barred by limitations.

A Memorandum of Points and Authorities in Support of this Supplement is attached.

Signatures and Certification Omitted

(Title Omitted)

OPPOSITION TO SUPPLEMENT TO DEFENDANTS' MOTION TO DISMISS

(Filed April 1, 1982)

Plaintiffs, James R. Grattan and Adrienne Hedman, by their undersigned attorney, oppose the Supplement to Defendants' Motion to Dismiss each of Plaintiffs' claims under 42 U.S.C. Sections 1981, 1983, and 1985 for the following reason:

The claims premised on these statutes are not barred by limitations.

A Memorandum of Points and Authorities in Support of this Opposition is attached.

Signature and Certification Omitted